

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOMINIC GWINN,)	
)	
Plaintiff,)	Case No. 23-cv-1823
)	
v.)	Hon. Jeremy C. Daniel
)	
CITY OF CHICAGO <i>et al.</i> ,)	
)	
Defendants.)	

**THE CITY OF CHICAGO’S RULE 60(b)(2) MOTION
TO VACATE AND AMEND THE COURT’S ORDER
GRANTING PLAINTIFF SUMMARY JUDGMENT ON COUNT II**

Defendant City of Chicago (the “City”), by and through its undersigned counsel at Taft Stettinius & Hollister LLP, pursuant to Federal Rule of Civil Procedure 60(b)(2), and in light of newly obtained evidence, hereby respectfully requests that the Court reconsider, vacate, and amend its March 31, 2025 Order granting summary judgment in Plaintiff’s favor and against the City on Count II, in which the Court found that “the tweet qualifies as CMI” and that “the City stripped the Work of CMI when its employees inserted the Work into the Compilation.” (Dkt. 55 at 14, 16). As detailed in the City’s concurrently-filed memorandum of law, which is incorporated herein, newly-obtained evidence from the United States Copyright Office shows that Plaintiff did not copyright the tweet itself, and that the copyrighted Work does not contain Plaintiff’s Twitter handle, name, nor any other CMI. Rather, when a video is downloaded from Twitter, the download does not include the username, handle, or any text included in the tweet. Because the copyrighted Work itself does not contain CMI, and because the tweet’s CMI does not attach to the copyrighted Work upon download, there is no way the City could have removed CMI from the Work. Therefore, the City did not violate 17 U.S.C. § 1202(b) and should not be liable on Count II.

WHEREFORE, the City respectfully requests that the Honorable Court enter an Order (1) vacating its March 31, 2025 Order granting summary judgment in Plaintiff's favor and against the City on Count II; (2) finding that, as revealed by the newly obtained evidence, the City did not remove or alter CMI from the Work; (3) amending its Order to grant summary judgment in the City's favor and against Plaintiff on Count II; and (4) granting the City all further relief the Court deems just.

DATED: July 15, 2025

Respectfully submitted,

**CITY OF CHICAGO and DAVID
O'NEAL BROWN**

By: /s/ Sophie E. Honeyman
One of Their Attorneys

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